



**Northern Ireland
Fire & Rescue Service**

WHISTLEBLOWING POLICY & PROCEDURE

23 September 2014

WHISTLEBLOWING POLICY & PROCEDURE

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Linked Policies

- Fraud Policy & Response Plan;
- Discipline and Grievance Policies;
- Dignity at Work Policy; and
- Staff Code of Conduct.

1 INTRODUCTION

The Public Interest Disclosure Northern Ireland Order 1998 protects individuals who make certain disclosures of information in the public interest. The common term for voicing such concerns is 'whistleblowing'. A Whistleblowing Policy enables staff to raise their concerns about potential malpractice or wrongdoing, in confidence without fear of reprisals, rather than leaving them to ignore the issue or raise the concern outside of the organisation.

For the purposes of this Policy the term malpractice means a wrongdoing with regard to, for example, negligence, misconduct, incompetence, fraud and illegal or unethical practice. There may be occasions when you have concerns about what is happening at work. When the concern involves unlawful conduct, danger to the public or fellow colleagues, damage to the environment, any danger to health and safety and financial malpractice including bribery, the unauthorised use of public money or intentional maladministration, it can be difficult to know what to do about raising the concern.

You may feel unable to report the concern as it is only a suspicion; or you may feel disloyal to colleagues, to management or to the organisation. You may not know who to speak to or be unaware of the proper channel to voice your concern.

Northern Ireland Fire & Rescue Service has introduced this procedure to enable you to take action at an early stage and in the correct manner. Accordingly, you are encouraged to raise the matter when it is just a concern, rather than wait for proof.

This Whistleblowing Policy complements the principles of the Staff Code of Conduct issued to all personnel. If something is concerning you which you think should be made known or investigated, please use this Whistleblowing Procedure. If, however, you are aggrieved regarding a personal workplace matter, please use the appropriate Grievance Procedure.

If your concern is about possible fraud or bribery, you should refer to NIFRS Fraud Policy which can be found on the Global Drive (<\\Vsr-file\global\Document Management System\DMS\Policies\Policies\Fraud Policy Statement.doc>) .

THIS WHISTLEBLOWING POLICY IS PRIMARILY FOR CONCERNS IN THE PUBLIC INTEREST, EG, WHERE THE INTERESTS OF OTHERS OR OF THE ORGANISATION ITSELF ARE AT RISK.

2 ASSURANCES TO YOU

2.1 Removal of Risk

Northern Ireland Fire & Rescue Service and the Accounting Officer are committed to this Policy. If you raise a genuine concern under this Policy and providing you are acting in good faith, (it does not matter if you are mistaken), you will not risk losing your job or suffering any form of detriment as a result. This assurance is not extended to any member of staff who maliciously or vexatiously raises a matter they know is untrue. Malicious or vexatious allegations will be dealt with under the appropriate Disciplinary Procedure.

2.2 **Discretion**

The harassment or victimisation of anyone raising a genuine concern will not be tolerated. If you request your identity to be protected, it will be protected as long as it is possible to conduct an investigation. If the situation arises where your concern cannot be resolved without revealing your identity (for instance because your evidence is needed in Court), this will be discussed with you on whether and how to proceed.

2.3 **Anonymity**

If you choose not to reveal your identity, it may prove more difficult for the matter to be investigated, to protect your position, or to provide you with feedback. However, if you ask us not to disclose your identity, we will not do so without your consent, unless required by law. Although anonymous reports will still be considered, this Policy advocates personnel to make themselves known to whom they report their concern to.

2.4 **How your Concern will be Handled**

Once you have raised your concern, it will be investigated to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. You will be advised of who is handling the matter, how you can contact him/her if appropriate, and whether your further assistance may be needed. If you request it, a written summary of your concerns and details of the proposed investigation will be forwarded to you.

When you raise the concern, you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter you are advised to make this known at the outset. If your concern is deemed a grievance issue, you will be advised.

This Policy is to enable NIFRS to investigate possible malpractice and take appropriate steps to deal with it. If requested, the outcome of any investigation will be confirmed to you in writing. Please note, however, that the precise action taken may not be disclosed if it infringes a duty of confidence owed by us to someone else.

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Where the issue raised relates to an allegation of fraud or bribery, the NIFRS Fraud Policy & Response Plan will be initiated. The existing principles will apply in respect of the investigation conducted under this Procedure in relation to the right to be accompanied.

2.5 How to Raise a Concern Internally

2.5.1 Option One

If you have a concern about malpractice, raise it first with your Line Manager, if possible. This may be done orally or in writing.

2.5.2 Option Two

If you feel unable to raise the matter with your Line Manager, for whatever reason, please raise the matter with your Head of Unit/ Area Commander. This may be done orally or in writing.

2.5.3 Option Three

If these channels have been followed and you still have concerns, **or** if you feel the matter is so serious that you cannot discuss it with any of the above, please contact:

The Director of Community Protection
Northern Ireland Fire & Rescue Service
Headquarters
1 Seymour Street
Lisburn
BT27 4SX

Tel No: (028) 9266 4221

OR

The Director of Planning , Performance and Governance
Northern Ireland Fire & Rescue Service
Headquarters
1 Seymour Street
Lisburn
BT27 4SX

Tel No: (028) 9266 4221

You are free to contact either the Director of Community Protection or the Director of Planning, Performance and Governance, orally or in writing, to raise your concern.

2.6 **Independent Advice**

If you are unsure whether to use this Whistleblowing Policy to report your concern or you want independent advice at any stage, you may contact:

- The independent organisation “Safecall” on **0800 915 1571**. They can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. Alternatively staff who wish to file a report on an issue of concern can contact Safecall via email at nifrs@safecall.co.uk or
- A Trade Union (if a Member).

2.7 **External Contacts**

This Policy gives the reassurance needed for you to raise such matters internally and, where possible, staff should exhaust the internal process in the first instance. However, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as Statutory Agencies including the Northern Ireland Audit Office or the Health & Safety Executive of Northern Ireland or the Police Service of Northern Ireland, than not at all. “Safecall” (or if applicable, your Union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

2.8 **If you are Dissatisfied**

If you are unhappy with the initial response to your concern, remember you can exercise the other options and contact the bodies detailed in this Policy, if appropriate. However, concerns raised by any member of staff will be handled fairly and properly and using this Policy will help NIFRS provide a more responsible and ethical service for all.

3 NIFRS WHISTLEBLOWING POLICY AND PROCEDURE

PUBLIC DISCLOSURE BY NIFRS EMPLOYEES: WHISTLEBLOWING POLICY

Advice and Instructions

The term whistleblowing refers to reporting misconduct which is generally a violation of law, rule or regulation and a direct threat to public interest – fraud, bribery, health and safety violations and corruption.

Legal protection for whistleblowing in Northern Ireland is outlined in The Public Interest Disclosure NI Order 1998 (PIDO (NI) 1998). It aims to promote greater openness in the workplace by protecting whistle-blowers who raise concerns from detrimental treatment (e.g. victimisation or dismissal). The Order also reinforces the obligations of all persons employed by the Northern Ireland Fire & Rescue Service not to disclose confidential information acquired during the course of their employment unless the information is in the public interest, eg, fraud, bribery, corruption or malpractice.

This guidance sets out NIFRS' policy and its scope and provides advice for Managers. It explains that any member of staff who has a reasonable belief that there is a wrongdoing relating to any matters specified in the Policy (paragraph 3.3), may raise a concern under the Whistleblowing Procedure. Further training, support and guidance on the application of this Policy and Procedure is available from the Planning, Performance and Governance Directorate.

3.1 Introduction

All persons employed by NIFRS are under an obligation through their Contract of Employment and Staff Code of Conduct to give honest and faithful service. This includes an obligation not to disclose to external sources any confidential information obtained during the course of their employment or act in a manner that will undermine the mutual trust on which the employment relationship is based. PIDO (NI) 1998 complements those obligations by providing protection to employees for raising concerns without malice and in good faith as set out in paragraph 3.3 of this guidance.

3.2 Aim of Policy

The purpose of this Policy is to provide a means for NIFRS staff to be able to raise a concern. NIFRS encourages staff to raise matters of concern responsibly through the procedures laid down in this Policy Statement. No employee reporting a concern in accordance with the NIFRS Whistleblowing Policy will suffer any form of detriment as a result.

3.3 **Scope of Policy**

The Policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest, e.g. fraud, bribery, corruption or malpractice. The law provides protection for workers who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. The full list of protected disclosures are detailed below. The Policy will not apply to personal grievances, such as complaints, which will be dealt with under existing procedures.

The concern must show that one of the following is likely to occur to qualify under the Public Interest Disclosure Order:

- A criminal offence;
- Failure to comply with a legal obligation;
- The endangering of an individual’s health and safety;
- Environmental damage;
- A miscarriage of justice;
- Concealment of information relating to any of the above.

3.4 **Who can raise a concern?**

Any member of staff who has a reasonable belief that there is wrongdoing including fraud, bribery, corruption, malpractice or any of the matters specified above, may raise a concern under the procedure detailed below. The issues raised under the protected list may relate to another member of staff, a group of staff, the individual’s own Station/Department or another part of NIFRS.

Concerns must be raised without malice and in good faith, and the individual must reasonably believe the information disclosed, and any allegations contained within it, are substantially true. The disclosure must not be made for purposes of personal gain. NIFRS will ensure that any member of staff who makes a qualifying disclosure will not be penalised or suffer any adverse treatment for doing so. If you ask us not to disclose your identity, we will not do so without your consent, unless required by law.

Employees may be subject to disciplinary proceedings if they –

- Make allegations without acting in good faith
- Make allegations without reasonable grounds
- Make allegations for personal gain
- Make allegations which are maliciously or vexatiously contrived.

All staff raising a bona fide concern should be encouraged to put their name to any disclosure. The identity of the person raising the matter will be kept confidential, if so requested, providing that a thorough investigation can be conducted. Anonymous complaints of a serious nature may be investigated provided that there is a reasonable possibility of gathering relevant evidence and achieving an outcome.

3.5 **Procedure**

Initial Step

Normally any disclosure about a concern should be raised by an individual to the relevant Line Manager in the first instance. If the disclosure is about their Line Manager, the member of staff may raise the concern with their Head of Unit/Area Commander.

If individuals still have concerns or feel the matter is so serious that they cannot discuss it with any of the above, they can then contact the Director of Community Protection or the Director of Planning, Performance and Governance. These are the nominated contacts within the Policy and Procedure and will be referred to as the Lead Director.

Where a concern has been raised against a specific Principal Officer/Director, the Accounting Officer will be contacted at Stage 2 of the process (refer to Appendix 1 Whistleblowing Process – Flowchart).

If the concern relates to the Accounting Officer, then it should be raised with the Chairman. If the concern involves the Chairman, it should be reported to the Chair of the Audit, Risk and Governance Committee.

The person to whom the disclosure is submitted will complete SC229. The completed SC229 will then be forwarded to the Whistleblowing Recorder in the Planning, Performance and Governance Department who will record the complaint onto the Whistleblowing database.

The Lead Director will then convene a preliminary meeting with interested parties. This panel will make the decision as to whether or not the concern should be dealt with under the 'Whistleblowing' Procedure or another appropriate Procedure. In order to conduct a full investigation the panel may consider suspension.

The Whistleblowing Recorder will, where appropriate, complete a SC229a for all complaints received via the external provider. Appendix 1 outlines the full process to be followed.

3.6 **Investigation**

The Lead Director, in consultation with the Human Resources representative, will appoint an appropriate Investigating Officer/Team. In doing this they will take into account the following:

- issues relating to identity;
- complexity of the issues involved;
- the need for an external investigator and discussion with the Director of Human Resources on taking this forward if deemed necessary.

Under no circumstances will an Officer be involved in a case which concerns them. Any Officer involved at investigation or in the decision making process will have no previous involvement in the case or any conflict of interest.

Once appointed, the Investigating Officer/Team will be given clear written Terms of Reference and receive the original complaint.

Any investigation will be conducted as sensitively and speedily as possible. The employee will be notified by the Investigating Officer of the intended timetable for the investigation.

At the end of the investigation the individual making the disclosure will be informed of the outcome if this was requested on the original SC229 or SC299a.

3.7 **Records and Reporting of Outcomes**

SC229/SC229a will detail the disclosure and will be accompanied by the SC230 which will detail any subsequent actions to be taken, e.g. an investigation. This will be signed by the Investigating Officer.

The Lead Director or the Accounting Officer will review the Investigating Officer's Report and consider if there are grounds for disciplinary action. Should Stage 2 or Stage 3 be referred beyond the Accounting Officer then the appropriate person as outlined in the flowchart at Appendix 1 will review the Investigating Officer's Report and consider if there are grounds for disciplinary action.

Should disciplinary action be contemplated the Whistleblowing investigation will be used to inform the Discipline Procedure and there may be no requirement to carry out a separate investigation under the Discipline Procedure.

The report may be the subject of consideration by the Principal Officers/Directors, particularly if the concern has Service-wide implications following completion of all processes. In all circumstances where allegations have been substantiated, an action plan will be drawn up to avoid recurrence.

All employees should remember that confidentiality is not secrecy. It will be important to sustain staff confidence in the process and for individuals to know in advance that any information supplied by them will be treated in a sensitive and confidential way. Remember that an employee has a right to request to see information held about them by NIFRS under the provisions of the Data Protection Act. All supervising staff must exercise care and diligence in ensuring that records held on staff are accurate, up to date and secure. The language used in writing notes should be business like and very much to the point.

All copies of SC forms, the Investigation Report and all other documents relevant to the concern raised must be returned to the Lead Director for safekeeping.

3.8 **Advice for staff raising a concern**

All employees are encouraged to use the internal mechanisms in place to raise a concern. However NIFRS acknowledges the difficult choice a member of staff may have to make in raising a concern, as the issues that prompt a disclosure are likely to be complex and will vary from situation to situation.

NIFRS employees can contact the Whistleblowing Helpline, 'Safecall' on 0800 915 1571, an independent organisation, which will give individuals free confidential advice at any stage.

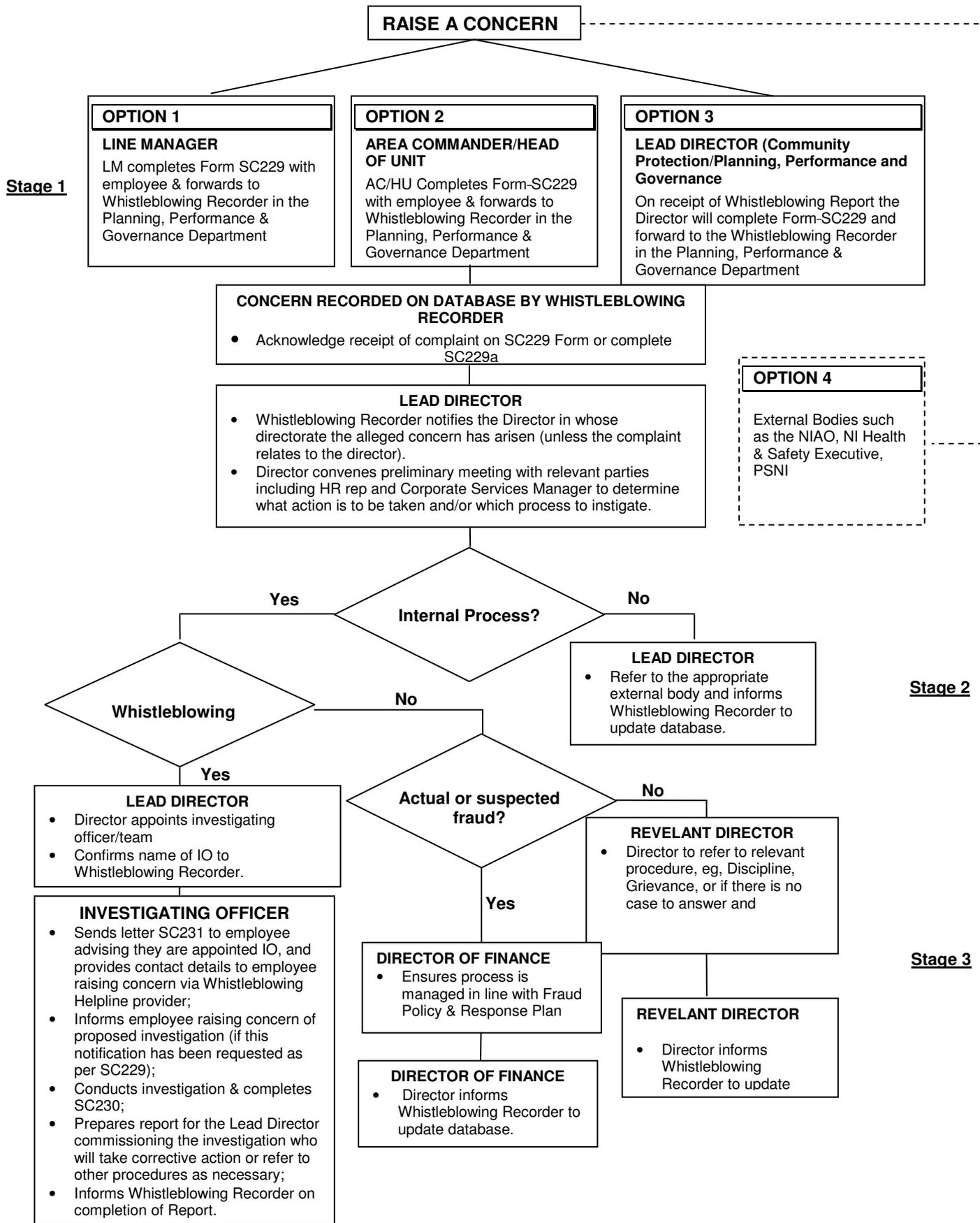
Contacts details were provided to all employees and posters are displayed on all notice boards.

3.9 **Further Information**

Copies of this Policy and Procedure can be made available in alternative formats on request. The Policy and Guidance will be reviewed every 4 years in line with the re-appointment of an independent external helpline provider or in light of any legislative developments or requirements and with stakeholder engagement, including the Representative Bodies. Further information on the Policy and Guidance may be obtained from:

Planning, Performance and Governance Directorate
Northern Ireland Fire & Rescue Service
Headquarters
1 Seymour Street
Lisburn
BT27 4SX

WHISTLEBLOWING PROCESS FLOWCHART



* The NIFRS computer-based complaints handling system.
 * If a concern is raised regarding a Director or Principal Officer Stages 2 & 3 are referred to the Accounting Officer.
 * If a concern is raised regarding the Accounting Officer, Stages 2 and 3 are referred to the Chairman.
 * If the concern is raised regarding the Chairman, Stages 2 and 3 are referred to the Chair of the Audit, Risk & Governance Committee.

QUESTION AND ANSWER GUIDANCE

Q. What is the Public Interest Disclosure Northern Ireland Order 1998?

A. *It is a Northern Ireland Order which protects workers who 'blow the whistle' about wrongdoing, it makes provisions about the kind of disclosures which may be protected; the circumstances in which such disclosures are protected, and the persons who may be protected.*

Q. What is Whistleblowing?

The term whistleblowing refers to reporting misconduct which is generally a violation of law, rule, regulation and a direct threat to public interest – fraud, health & safety, violations and corruption.

Q. Where does the term Whistleblowing come from?

A. *The term is generated from the Public Interest Disclosure (NI) Order 1998, which states employees must be given legal protection against being dismissed or penalised by employers as a result of publicly disclosing serious concerns.*

Q. What can be disclosed as a concern?

- *A criminal offence*
- *Failure to comply with a legal obligation*
- *The endangering of an individual's Health & Safety*
- *Environmental damage*
- *A miscarriage of justice*
- *Concealment of information relating to any of the above.*

Q. Why introduce a Whistleblowing policy?

A. *NIFRS want to promote openness and encourage employees to disclose wrong doings within the organisation, and to guide employees how to raise a concern responsibly.*

Q. What does legally protected mean, for employees who raise a concern?

A. *The provisions within the Public Interest Disclosure (NI) Order, legally protects most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, reduced overtime, lack of training opportunities, etc.*

Q. Who is legally protected by the Public Interest Disclosure (NI) Order?

The Order covers most people who work under a contract of employment; those who work personally for someone else (under a workers contract) but are not genuinely self employed; home workers; certain agency workers. People qualify for protection no matter what their length of service is.

Q. What is personal gain?

A. *Anything personal which could conflict or hinder the disclosure or concern raised, eg, a member of family or previous history example previous grievance issues.*

NORTHERN IRELAND FIRE & RESCUE SERVICE

CONCERN DISCLOSURE FORM
RESTRICTED - STAFF USE ONLY

To be completed by Line Manager when approached by an employee to raise a concern under the Whistleblowing Policy. Must be completed with the employee raising the concern, signatures will be required by both parties.

SECTION 1: PERSONAL DETAILS

Employee Name: _____ Service No: _____

Job Title: _____ Location: _____

Do you wish the matter to remain confidential? Yes No

SECTION 2: NATURE OF CONCERN

Fraud: Malpractice: Corruption: Other, please specify: _____

SECTION 3: EXAMPLES OF QUESTIONS THAT MAY ASSIST IN COMPLETING SC229

What is the nature of the concern you wish to raise?

How are you aware of this?

What evidence do you have to support your concern?

How long have you been aware of this situation?

How do you feel the matter may be resolved?

Do you feel there is any remedial action which can take place immediately?

SECTION 4:

Any personal interest declared? Yes No

Family Member: Previous History:

Other: Detail: _____

SECTION 5: FURTHER ASSISTANCE

You may be needed for further assistance, how would you like to be contacted?

Telephone: Home Address: E-Mail: In Person:

Detail: _____

SECTION 6:

Employee would like outcome of investigation to be confirmed in writing: Yes No

Employee disclosing concern would like to be advised of how investigation will proceed:
Yes No

SECTION 7:

Any further information which you may feel relevant? Continue on separate page if required:

SECTION 8: ACKNOWLEDGEMENT

To the best of my knowledge the information given is a true and accurate account.

PRINT NAME: _____

SIGNED: _____ DATE: _____
(Employee)

PRINT NAME: _____

SIGNED: _____ DATE: _____
(Line Manager)

ON COMPLETION, PLEASE FORWARD TO WHISTLEBLOWING RECORDER, ADMINISTRATION DEPARTMENT, PLANNING, PERFORMANCE, AND GOVERNANCE, FIRE & RESCUE SERVICE HEADQUARTERS

WHISTLEBLOWING RECORDER USE ONLY:

Reference No: _____ Acknowledgement of SC229: _____

Confirmed to Employee making disclosure of receipt: _____

PRINT NAME: _____

SIGNED: _____ DATE: _____
(Whistleblowing Recorder)

Whistleblowing Recorder forwarded to appropriate Director:

Name of Director: _____

Date SC229 Forwarded: _____

WHISTLEBLOWING RECORDER FORWARDS TO RELEVANT DIRECTOR/PRINCIPAL OFFICER

DIRECTOR/PRINCIPAL OFFICER USE ONLY:

Date SC229 received by Director/Principal Officer: _____

Date SC229 forwarded to Investigating Officer: _____

Date SC229 received by Investigating Officer: _____

Data Protection

The Northern Ireland Fire & Rescue Service processes the information provided on this form to record all concerns raised under the NIFRS Whistleblowing Policy. Aggregate data may be produced to identify issues at Station/Department and Organisation level in order to identify and address public interest concerns. This record will be maintained on Respond File and by the appropriate Director and kept confidentially.

NORTHERN IRELAND FIRE & RESCUE SERVICE

CONCERN DISCLOSURE FORM

RESTRICTED - STAFF USE ONLY

To be completed by Whistleblowing Recorder when complaint has been received via External Provider.

PERSONAL DETAILS

Internal Ref Number _____ External Ref Number _____

Anonymous Yes No

Or

Employee Name _____ Service No _____

Location _____

Does the Complainant wish the matter to remain confidential? Yes No

Does the Caller require feedback Yes No

Date Caller to contact External Provider _____

Complaints not qualified under Section 3 of the Whistleblowing Policy to be forwarded to relevant Director:

Name _____ Date forwarded _____

NATURE OF CONCERN

What is the Nature of the concern raised?

Date received _____

Additional information forwarded _____

Fraud: Malpractice: Corruption: Other, please specify: _____

SC299a Date forwarded to relevant Director for investigation _____

Name of Investigating Officer _____ Location _____

Follow-up Date with Whistleblowing Recorder _____

PTO (for Director/Investigating Officer to complete)

Director/Investigating Officer to complete:

Summary of Investigation:

Date returned to Whistleblowing Recorder _____

Date Summary forwarded to External Provider _____

Was the Complainant satisfied with the response provided? Yes No

Data Protection Act Statement – The information contained within this form will be used for the purpose of administrating the Whistleblowing Policy. All details will be stored in accordance with data protection principles.

The Northern Ireland Fire & Rescue Service processes the information provided on this form to record all concerns raised under the NIFRS Whistleblowing Policy. Aggregate data may be produced to identify issues at Station/Department and Organisation level in order to identify and address public interest concerns. This record will be maintained on Respond File and by the appropriate Director and kept confidentially.

NORTHERN IRELAND FIRE & RESCUE SERVICE

INVESTIGATING OFFICERS' REPORT

RESTRICTED - STAFF USE ONLY

To be completed by Director/Principal Officer:

Investigating Officer:

Name: _____ Service No: _____

Job Title: _____ Location: _____

TO BE COMPLETED BY INVESTIGATING OFFICER:

Date SC229/SC229a

Received: _____

Pro forma letter SC231 sent: _____

Summary of outcome and/or action taken by Investigating Officer:

Director's Report Completed: _____

Director's Report Attached: _____

Review? Yes No Date: _____

PRINT NAME: _____

SIGNED: _____ DATE: _____

(Investigating Officer)

FORWARD TO DIRECTOR/PRINCIPAL OFFICER ON COMPLETION

Director Comments:

Employee informed if requested: Yes No Date: _____

RETURN TO WHISTLEBLOWING RECORDER ON COMPLETION

PRO FORMA LETTER

SC231

RESTRICTED - STAFF USE ONLY

(Letter from IO to employee disclosing concern)

DATE:

Dear _____

I have been appointed as the Investigating Officer as a result of the disclosure of the following concern:

I can be contacted by the following means:

Contact Details:

1 Please contact me at the following address:

2 Please contact me **by telephone**, my Telephone No is: _____

* I may require further assistance in order to progress the matter, I will contact you if appropriate as specified on the Concern Disclosure Form (SC229).

* As per your request detailed in Section 6 of the Concern Disclosure Form (SC229):

(a) *I will provide written confirmation of the outcome, as follows:

(b) *I will advise of how the investigation will proceed, as follows:

Yours sincerely

* Delete as appropriate